

93-DAY MISDEMEANORS: ADDENDUM
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The March/April issue of *Notes on the Budget and Economy* included an article discussing misdemeanors that are punishable by imprisonment for up to 93 days. This article contained two statements that require clarification. In regard to the costs of assigned counsel, the article stated, "In Michigan, at the trial court level, all funding for appointed attorneys is provided by the counties." In fact, district courts of the third class are funded by municipalities, which also pay for the costs of assigned counsel.

In regard to fingerprinting requirements, the article indicated that when a person is convicted of any misdemeanor, whether or not it is punishable by imprisonment for more than 92 days, the person's fingerprints are forwarded to the State Police. Under the Code of Criminal Procedure, however, except as ordered by a judge, court clerks are not required or allowed to report a misdemeanor conviction if 1) it is under the Michigan Vehicle Code or a substantially corresponding local ordinance (unless the offense is punishable by imprisonment for more than 92 days or would be punishable by more than 92 days as a second conviction); or 2) a sentence of imprisonment is not imposed, except as an alternative sentence, and any fine and costs ordered total less than \$100 (MCL 769.16a(3)).

In addition, recently enacted legislation makes an exception to the requirement that a law enforcement agency fingerprint a person who is arrested for a misdemeanor punishable by more than 92 days' imprisonment. Public Act 77 of 1999 permits (rather than requires) an arresting agency to fingerprint a person arrested for a local ordinance violation that is punishable by more than 92 days and that substantially corresponds to a State law misdemeanor whose maximum term exceeds 92 days. Upon conviction, the person's fingerprints must be taken (if they have not been) and forwarded to the State Police. Several related measures, Public Acts 55-59 of 1999, allow cities, villages, and townships to provide a penalty of up to 93 days' imprisonment for an ordinance violation that substantially corresponds to a violation of State law that is punishable by imprisonment for up to 93 days.

Further, Public Act 75 of 1999 authorizes magistrates to arraign and sentence on pleas of guilty or no contest for violations of the Michigan Vehicle Code (except for drunk driving), and substantially corresponding local ordinances, if the maximum permissible punishment does not exceed 93 days (rather than 90 days) in jail and/or a fine. In drunk driving cases, magistrates may continue to arraign defendants and set bond. Also, with certain exceptions, Public Act 76 allows police officers to issue an appearance ticket when arresting someone without a warrant for a misdemeanor or ordinance violation for which the maximum penalty does not exceed 93 days in jail and/or a fine.

All of the legislation described above has an effective date of October 1, 1999.